

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HUE E. DEEN,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 13-cv-05830 RBL

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 22.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and REVERSE and REMAND this matter to the Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further

1 administrative proceedings in regard to plaintiff's applications for disability benefits pursuant to
2 the Social Security Act.

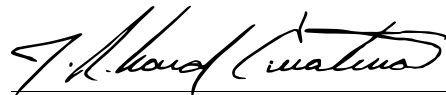
3 On remand, an administrative law judge (ALJ) shall update the record, hold a *de novo*
4 hearing, and issue a new decision.

5 On remand, the Appeals Council shall instruct the ALJ to reevaluate plaintiff's mental
6 impairments using the special technique in 20 C.F.R. § 416.920a; evaluate further all of the
7 medical and non-medical source opinions of record, including the evidence submitted to the
8 Appeals Council, and give reasons for the weight assigned in accordance with 20 C.F.R. §
9 416.927 and Social Security Rulings 96-5p, 96-6p, 96-8p, and 06-3p; reassess plaintiff's residual
10 functional capacity and subjective complaints; and, if warranted, obtain supplemental evidence
11 from a vocational expert at step five to determine whether or not there are a significant number
12 of jobs in the national economy that plaintiff can perform.

13 The parties have stipulated that following proper presentation to the Court, plaintiff shall
14 be entitled to reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412(d).

15 Given the facts and the parties' stipulation, the Court recommends that the District Judge
16 immediately approve this Report and Recommendation and order that the case be **REVERSED**
17 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

18 Dated this 11th day of June, 2014.

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21 J. Richard Creatura
22 United States Magistrate Judge
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